October TERM 1970.

NO. 5272

BRIEFS NOT PRINTED

SUPREME COURT OF THE UNITED STATES

October Term, 1970

THOMPSON *v.* UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 5272. Decided October 26, 1970

PER CURIAM.

The motion for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States District Court for the Eastern District of Louisiana for consideration of the request contained in the memorandum filed in this Court by the Solicitor General.

MR. JUSTICE BLACK, with whom MR. JUSTICE DOUGLAS joins, would grant certiorari and reverse the decision below for the reasons stated in his dissenting opinions in *Abbate* v. *United States*, 359 U. S. 187, 201 (1959), and *Bartkus* v. *Illinois*, 359 U. S. 121, 150 (1959).